

ORDINANCE NO. 2009 - 026.

AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA AMENDING THE 1989 COMPREHENSIVE PLAN AS ADOPTED BY ORDINANCE NO. 89-17, AS AMENDED; AMENDING THE INTRODUCTION & ADMINISTRATION ELEMENT (TO ESTABLISH A DEFINITION FOR AN **INLAND LOGISTICS CENTER**); FUTURE LAND USE ELEMENT (TO ALLOW INDUSTRIAL AS AN UNDERLYING DESIGNATION FOR PROPERTIES CONDITIONED TO BE DEVELOPED AS AN INLAND LOGISTICS CENTER, AND TO ALLOW SUCH PROPERTIES TO BE LIMITED URBAN SERVICE AREAS); CONSERVATION ELEMENT (TO REQUIRE COORDINATION WITH SFWMD REGARDING EXPANSION OF THE INLAND LOGISTICS CENTER); THE MAP SERIES (SERVICE AREAS MAP LU 3.1, TO IDENTIFY THE BOUNDARIES OF THE OKEELANTA INLAND LOGISTIC CENTER LIMITED URBAN SERVICE AREA); AND AMENDING THE FUTURE LAND USE ATLAS (FLUA) BY **OKREELANTA INLAND LOGISTICS CENTER** (LGA 2009-008), PRIVATELY INITIATED AMENDMENT, MODIFYING PAGE 3645 OF THE FLUA BY CHANGING THE FUTURE LAND USE DESIGNATION FOR APPROXIMATELY 318.17 ACRES OF LAND, GENERALLY LOCATED IN WESTERN PALM BEACH COUNTY, FRONTING ON US 27 (NORTH-SOUTH ROAD), AND APPROXIMATELY 1.1 MILES SOUTH OF COUNTY ROAD 827A (NEAREST EAST-WEST ROAD), FROM AGRICULTURAL PRODUCTION (AP) TO AGRICULTURAL PRODUCTION WITH AN UNDERLYING INDUSTRIAL (AP/IND) SUBJECT TO CONDITIONS; AND AMENDING ALL ELEMENTS AS NECESSARY; PROVIDING FOR REPEAL OF LAWS IN CONFLICT; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION IN THE 1989 COMPREHENSIVE PLAN; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, on August 31, 1989, the Palm Beach County Board of County Commissioners adopted the 1989 Comprehensive Plan by Ordinance No. 89-17;

WHEREAS, the Palm Beach County Board of County Commissioners amends the 1989 Comprehensive Plan as provided by Chapter 163, Part II, Florida Statutes; and

WHEREAS, the Palm Beach County Board of County Commissioners have initiated amendments to several elements of the Comprehensive Plan in order to promote the health, safety and welfare of the public of Palm Beach County; and

WHEREAS, the Palm Beach County Local Planning Agency conducted its public hearings on February 6, February 20, and March 13, 2009 to review the proposed amendments to the Palm Beach County Comprehensive Plan and made recommendations regarding the proposed amendments to the Palm Beach County Board of County Commissioners pursuant to Chapter 163, Part II, Florida Statutes; and

WHEREAS, the Palm Beach County Board of County Commissioners, as the governing body of Palm Beach County, conducted a public hearing pursuant to Chapter 163, Part II, Florida Statutes, on April 13, 2009 to review the recommendations of the Local Planning Agency,

whereupon the Board of County Commissioners authorized transmittal of proposed amendments to the Department of Community Affairs for review and comment pursuant to Chapter 163, Part II, Florida Statutes; and

WHEREAS, Palm Beach County received the Department of Community Affairs "Objections, Recommendations, and Comments Report," dated June 30, 2009 which was the Department's written review of the proposed Comprehensive Plan amendments; and

WHEREAS, the written comments submitted by the Department of Community Affairs contained objections to the amendments contained in this ordinance; and

WHEREAS, on August 25, 2009 the Palm Beach County Board of County Commissioners held a public hearing to review the written comments submitted by the Department of Community Affairs and to consider adoption of the amendments; and

WHEREAS, the Palm Beach County Board of County Commissioners has determined that the amendments satisfy the concerns raised in the Department of Community Affairs' "Objections, Recommendations and Comments Report" and comply with all requirements of the Local Government Comprehensive Planning and Land Development Regulations Act.

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA, that:

Part I. Amendments to the 1989 Comprehensive Plan

Amendments to the following Elements and Future Land Use Atlas of the 1989 Comprehensive Plan are hereby adopted and attached to this Ordinance in Exhibit 1 & 2:

1. **Future Land Use Atlas page 3645** is amended as follows:

Application: Okeelanta Inland Logistics Center (LGA 2009-008)

Amendment: From Agricultural Production (AP) to Agricultural Production, with an underlying Industrial (AP/IND);

Location: In western County, fronting on US 27 (north-south road), and approximately 1.1 miles south of County Road 827A (nearest east-west road);

Size: Approximately 318.17 acres;

Conditions: The site is subject to the following conditions:

1. The IND designation shall be limited to use for an inland logistics center serving south Florida ports.
 2. If an inland logistics center does not move forward on this site, County staff shall bring forward to the Board of County Commissioners an amendment to return the property to the Agricultural Production (AP) designation.
 3. The applicant shall coordinate with the South Florida Water Management District prior to BCC zoning approval to ensure that the development, operation, maintenance and future expansion of the inland logistics center will not conflict with the Everglades restoration projects and projects to improve Lake Okeechobee.
 4. A hazardous waste and materials management plan will be submitted to Palm Beach County, FDEP and SFWMD for review and approval prior to approval of development within the site. The management plan shall provide the best management practices for the storage, handling and emergency release response of hazardous waste and materials.
 5. The subject site is limited to a maximum of 2,084,346 sf of Industrial and 2,084,346 sf of Warehouse uses or equivalent traffic generating uses.
 6. Building permits for more than 1,021,330 sf of Industrial and 1,021,330 sf of Warehouse (or the equivalent of 1,266 PM peak hour trips) may not be issued prior to December 31, 2013 unless the property owner is able to demonstrate that the transportation concurrency requirements have been satisfied for additional square footage, or additional square footage is otherwise permitted by applicable laws and ordinances at the time of development order application.
2. **Text and Map Series Amendments** to modify elements and maps as follows:
- A. Future Land Use Element, to allow Industrial as an underlying designation for Future Land Use Atlas amendment sites conditioned to be developed as an inland logistics center, and to allow such properties to be identified as Limited Urban Service Areas;
 - B. Conservation Element, to require coordination with SFWMD regarding future expansion of the Inland Logistics Center;
 - C. Introduction & Administration Element, to add a definition for an Inland Logistics Center;
 - D. Map Series, Service Areas Map LU 2.1 to establish the Okeelanta Inland Logistics Center as a Limited Urban Service Area.

Part II. Repeal of Laws in Conflict

All local laws and ordinances applying to the unincorporated area of Palm Beach County in conflict with any provision of this ordinance are hereby repealed to the extent of such conflict.

Part III. Severability

If any section, paragraph, sentence, clause, phrase, or word of this Ordinance is for any reason held by the Court to be unconstitutional, inoperative or void, such holding shall not affect the remainder of this Ordinance.

Part IV. Inclusion in the 1989 Comprehensive Plan

The provision of this Ordinance shall become and be made a part of the 1989 Palm Beach County Comprehensive Plan. The Sections of the Ordinance may be renumbered or relettered to accomplish such, and the word "ordinance" may be changed to "section," "article," or any other appropriate word.

Part V. Effective Date

The effective date of this plan amendment shall be the date a final order is issued by the Department of Community Affairs or Administration Commission finding the amendment in compliance in accordance with Section 163.3184(1)(b), Florida Statutes, whichever is applicable. No development orders, development permits, or land uses dependent on this amendment may be issued or commence before it has become effective. If a final order of noncompliance is issued by the Administration Commission, this amendment may nevertheless be made effective by adoption of a resolution affirming its effective status, a copy of which resolution shall be sent to the Florida Department of Community Affairs, Division of Community Planning, Plan Processing Team. An adopted amendment whose effective date is delayed by law shall be considered part of the adopted plan until determined to be not in compliance by final order of the Administration Commission. Then, it shall no longer be part of the adopted plan unless the local government adopts a resolution

affirming its effectiveness in the manner provided by law.

APPROVED AND ADOPTED by the Board of County Commissioners of
Palm Beach County, on the 25th day of August, 2009.

ATTEST:

SHARON R. BOGUE, CLERK

PALM BEACH COUNTY, FLORIDA,
BY ITS BOARD OF COUNTY COMMISSIONERS

By:


Deputy Clerk


John F. Koons, Chairperson

APPROVED AS TO FORM AND LEGAL SUFFICIENCY


COUNTY ATTORNEY

Filed with the Department of State on the 2nd day of
September, 2009.

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Exhibit 1

Future Land Use Atlas Page 3645 is amended as follows:

Amendment No: Okeelanta Inland Logistics Center (LGA 2009-008)

Amendment: Agricultural Production (AP) to Agricultural Production/Industrial (AP/IND)

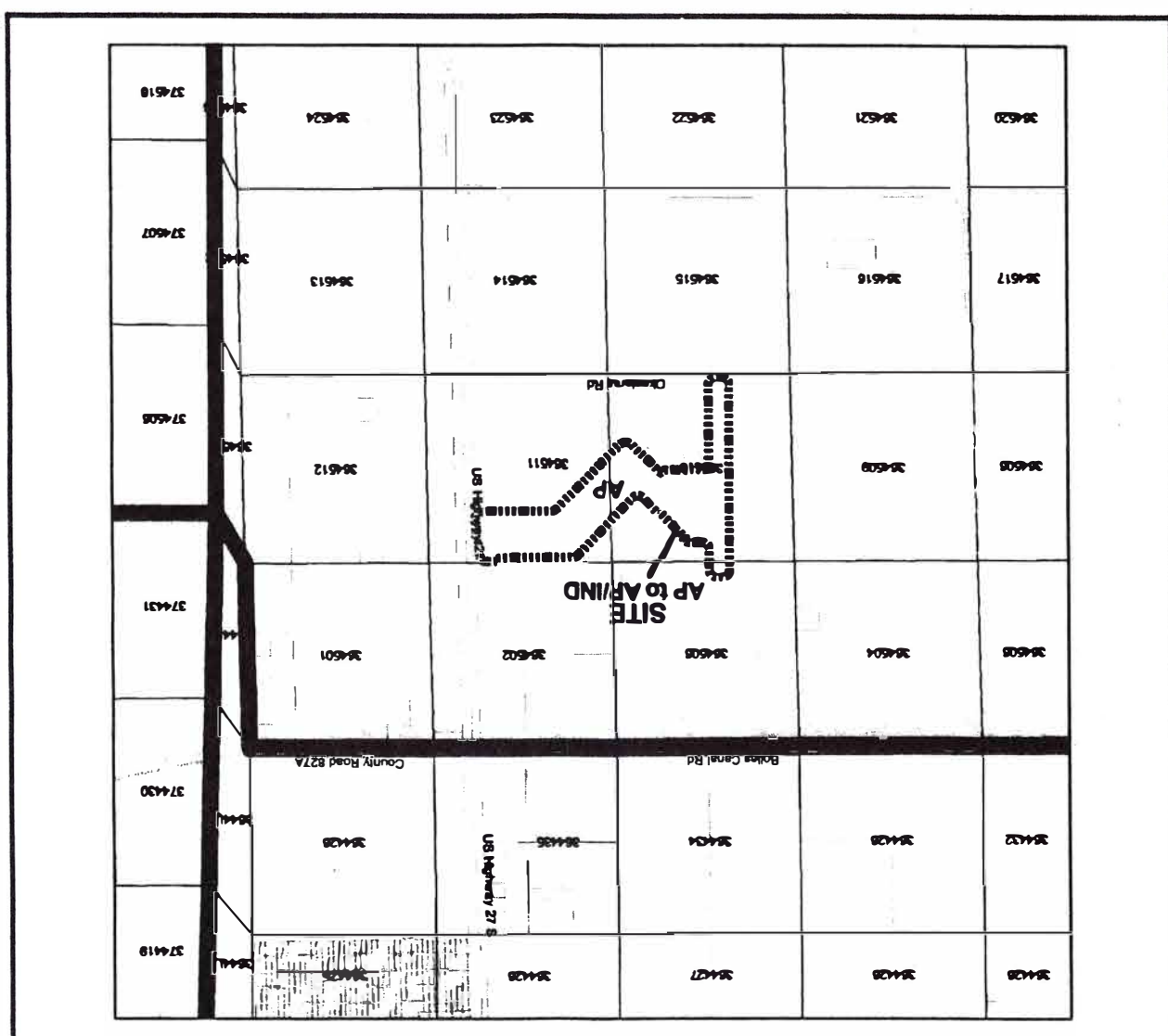
Location: Western Palm Beach County, fronting on US 27 (north-south road), and approximately 1.1 miles south of County Road 827A

Size: 318.17 acres

Property No: 00-36-45-03-01-000-0010, 00-36-45-10-01-000-9010, 00-36-45-11-00-000-3000

Conditions:

1. The IND designation shall be limited to use for an inland logistics center serving south Florida ports.
2. If an inland logistics center does not move forward on this site, County staff shall bring forward to the Board of County Commissioners an amendment to return the property to the Agricultural Production (AP) designation.
3. The applicant shall coordinate with the South Florida Water Management District prior to BCC zoning approval to ensure that the development, operation, maintenance and future expansion of the inland logistics center will not conflict with the Everglades restoration projects and projects to improve Lake Okeechobee.
4. A hazardous waste and materials management plan will be submitted to Palm Beach County, FDEP and SFWMD for review and approval prior to approval of development within the site. The management plan shall provide the best management practices for the storage, handling and emergency release response of hazardous waste and materials.
5. The subject site is limited to a maximum of 2,084,346 sf of Industrial and 2,084,346 sf of Warehouse uses or equivalent traffic generating uses.
6. Building permits for more than 1,021,330 sf of Industrial and 1,021,330 sf of Warehouse (or the equivalent of 1,266 PM peak hour trips) may not be issued prior to December 31, 2013 unless the property owner is able to demonstrate that the transportation concurrency requirements have been satisfied for additional square footage, or additional square footage is otherwise permitted by applicable laws and ordinances at the time of development order application.



Legal Description

**DESCRIPTION FOR THE PROPOSED +319-ACRES PARCEL
THIS DESCRIPTION IS BASED UPON A CONCEPTUAL DESIGN BY MSCW, FURNISHED BY
DANIEL D. ROSS, ESQ. VP, FLORIDA CRYSTALS CORPORATION.**

A parcel of land located within part of Sections 3, 10, and 11, Township 45 South, Range 36 East, Palm Beach County, Florida, described as follows:

Commencing at the Northwest corner of Section 10, Township 45 South, Range 36 East, Palm Beach County, Florida;
Thence North 89°36'12" East 1885.47 feet along the North line of said Section 10 to the Point of Beginning of the hereinafter described parcel;
Thence South 00° 00'00" E 525.19 feet to a point;
Thence South 00°00'14" East 4428.59 feet to the beginning of curve C-2 concave to the Northeast having a radius of 200.00 feet;
Thence Southeasterly and Easterly 314.54 feet along the arc of said curve through a central angle of 90°06'38" to the end of said curve on tangent line;
Thence North 89°53'08" East 196.81 feet along said tangent line to the beginning of curve C-3 concave to the Northwest having a radius of 200.00 feet;
Thence Easterly and Northerly 313.76 feet along the arc of said curve through a central angle of 89°53'06" to the end of said curve on a tangent line;
Thence North 00°00'02" East 2191.72 feet along said tangent line to the beginning of curve C-4 concave to the Southeast having a radius of 200.00 feet;
Thence Northeasterly and Easterly 313.20 feet along the arc of said curve through a central angle of 89°43'20" to the end of said curve on a tangent line;
Thence North 89°43'30" East 1000.96 feet to the beginning of curve C-5 concave to the North having a radius of 200.00 feet;
Thence Easterly and Northeasterly 156.12 feet along the arc of said curve through a central angle of 44°43'30" to the end of said curve on a tangent line;
Thence North 45°00'00" East 52.72 feet; along said tangent line;
Thence South 45°00'00" East 1225.00 feet along said tangent line to the beginning of curve C-6 concave to the North having a radius of 200.00 feet;
Thence Southeasterly and Northeasterly 314.16 feet along the arc of said curve through a central angle of 90°00'00" to the end of said curve on a tangent line;
Thence North 45°00'00" East 463.90 feet along the tangent line to the East line of Section 10, Township 45 South, Range 36 East;
Thence continue North 45°00'00" East 2185.59 feet along said tangent line into Section 11, Township 45 South, Range 36 East to the beginning of curve C-7 concave to the South having a radius of 200.00 feet;
Thence Northeasterly and Easterly 156.35 feet along the arc of said curve through a central angle of 44° 47'32" to the end of said curve on a tangent line;
Thence North 89°47'32" East 2030.93 feet along the tangent line to the beginning of curve C-8 concave to the Northwest having a radius of 200.00 feet;
Thence Easterly and Northeasterly 320.45 feet along the arc of said curve through a central angle of 91°48'13" to the end of said curve on a tangent line;

Thence along the following courses:

North 02°15'11" West 199.92 feet;
North 07°34'05" West 90.47 feet;
North 11°15'26" West 91.79 feet;
North 13°13'27" West 155.63 feet;
North 11°55'33" West 132.95 feet;
North 07°51'40" West 105.40 feet;
North 03°18'46" West 135.59 feet;
North 00°12'28" West 92.43 feet to the beginning of curve C-9 concave to the Southwest having a radius of 200.00 feet;
Thence Northwesterly and Westerly 314.16 feet along the arc of said curve through a central angle of 90°00'00" to the end of said curve on a tangent line;
Thence South 89°47'32" West 300.00 feet along said tangent line;
Thence South 00°12'28" East 100.00 feet at right angles to the preceding course;
Thence South 89°47'32" West 2216.03 feet at right angles to the preceding course to the beginning of curve C-10 concave to the Southeast having a radius of 200.00 feet;
Thence Westerly and Southwesterly 158.32 feet along the arc of said curve through a central angle of 45°21'23" to the end of said curve on a tangent line;
Thence South 44°26'09" West 1381.29 feet along said tangent line to the West line of Section 11, Township 45 South, Range 36 East which is the same as the East line of Section 10, Township 45 South, Range 36 East'

Thence continue South 44°26'09" West 929.71 feet into said Section 10 to the beginning of curve C-11 concave to the North having a radius of 200.00 feet;

Thence Southwesterly and Northwesterly 319.02 feet along the arc of said curve through a central angle of 91°23'31" to the end of said curve on a tangent line;

Thence North 44°10'20" West 1704.66 feet along said tangent line to the beginning of curve C-12 having a radius of 200.00 feet;

Thence Northwesterly and Westerly 160.57 feet along the arc of said curve through a central angle of 46°00'04" to the end of said curve on a tangent line;

Thence South 89°49'36" West 352.45 feet along said tangent line to the beginning of curve C-13 concave to the Northeast having a radius 200.00 feet;

Thence Northwesterly and Westerly 314.76 feet along the arc of said curve through a central angle of 90°10'24" to the end of said curve on a tangent line;

Thence North 00°00'00"E 328.725 feet along said tangent to the North line of Section 10, Township 45 South, Range 36 East;

Thence continue North 00°00'00" East 244.68 feet into Section 3 Township 45 South, Range 37 East to the beginning of curve C-14 concave to the Southwest having a radius of 200.00 feet;

Thence Northwesterly and Westerly 314.16 feet along the arc of said curve through a central angle of 90°00'00" to the end of said curve on a tangent line;

Thence North 90°00'00" West 197.17 feet along said tangent to the beginning of curve C-1 having a radius of 200.00 feet;

Thence Westerly and Southwesterly 314.16 feet along the arc of said curve through a central angle of 90°00'00" to the end of said curve on a tangent line;

Thence South 00°00'00"E 248.81 feet along said tangent line to the Point of Beginning,

Containing: 318.17 Acres.

THIS DESCRIPTION WAS WRITTEN WITHOUT THE BENEFIT OF A TITLE SEARCH REPORT AND WITHOUT A CURRENT FIELD SURVEY.

NOTE: The proposed parcel affects lots 118, 119 and 120 of the Subdivision of Section 3, Township 45 South, Range 36 East as recorded in Plat Book 1, Page 108'

It also affects Lots 9-11, 22-28, 33-43, 54-64, 65-68, 73-75, 86-88, 105-107, 118 and 119 of the Subdivision of Section 10, Township 45 South, Range 36 East, as recorded in Plat Book 1, Page 115, of the public records of Palm Beach County, Florida.

DECEMBER 10, 2008.

PEDRO A. GONZALEZ, P.S.M., FLORIDA LICENSE NUMBER 2287

Exhibit 2

Proposed Text and Map Series Amendments

A. Future Land Use Element, Okeelanta Inland Logistics Center

REVISION: To revise policies to add implementing provisions for an inland logistic center. The revisions are shown with the added text underlined, and the deleted text ~~struck-out~~.

REVISED Policy 2.1-a: The Future Land Use Atlas may depict underlying residential densities or alternative designations as provided below. The County may initiate a land use amendment to remove the non-utilized future land use designation after the property is developed.

1. The Future Land Use Atlas may depict residential or industrial underlying/alternative land uses for properties designated Commercial or Commercial Recreation. The alternative use will permit development provided maximum allowable densities or intensities are not exceeded.

...unaltered text omitted for brevity

6. The Future Land Use Atlas may depict an Industrial underlying/alternative land use for properties subject to an amendment that has been conditioned in the adopting ordinance to be developed as an Inland Logistics Center serving south Florida ports.

NEW Policy 2.2.4-b: The County shall not approve a future land use map amendment to expand the Okeelanta Inland Logistics Center and any associated Limited Urban Service Area onto adjacent lands unless:

1. such an expansion is justified with appropriate data and analysis;
2. the amendment is conditioned to limit uses to those associated with an Inland Logistics Center as defined in the Introduction and Administration Element; and,
3. such an expansion will not conflict with Everglades restoration projects and projects to improve Lake Okeechobee.

Policy 3.3-a: The Limited Urban Service Area: The following are designated as Limited Urban Service Areas:

1. the area described as the United Technology - Pratt and Whitney Overlay;
2. the area defined as the General Aviation Facility/ North County Airport;
3. the Agricultural Reserve; and
4. areas within the Exurban Tier where the Legislature has granted a special district the authority to provide urban levels of service for potable water and/or sewer following the installation of centralized water and/or sewer systems; installation of a force main to serve a single project shall not constitute justification for a LUSA designation;
5. the area east of the SFWMD L-8 Canal within the Glades Area Protection Overlay; ~~and~~
6. an Agricultural Enclave pursuant to Florida Statute section 163.3162(5); and
7. an area outside the Urban Service Area where the Board of County Commissioners has adopted an underlying Industrial future land use designation that is conditioned to being developed as an Inland Logistics Center serving south Florida ports. The LUSA shall be limited to use for an inland logistics center serving south Florida ports.

The LUSA shall be depicted on the Service Areas Map in the Map Series upon designation through a Plan amendment. The official boundaries of each LUSA shall be depicted on the Service Areas Map in the Map Series.

B. Conservation Element, Okeelanta Inland Logistics Center

REVISION: To add a policy to coordinate with the SFWMD regarding amendments to expand the Okeelanta Inland Logistics Center. The revisions are shown with the added text underlined.

NEW Policy 3.1-q: The County shall coordinate with the South Florida Water Management District prior to adopting any additional land use plan amendments to expand the Okeelanta Inland Logistics Center in order to ensure that the future expansion of the Inland Logistics Center will not conflict with the Everglades restoration projects and projects to improve Lake Okeechobee.

C. Introduction and Administration Element, Okeelanta Inland Logistics Center

REVISION: To add a definition of an Inland Logistics Facility shown with the added text underlined.

INLAND LOGISTICS CENTER - an inland multimodal facility, receiving/sending cargo to/from south Florida ports, that provides off-port cargo storage, consolidation, repackaging and transfer of goods. The facility may include other intermodal terminals, and related transportation facilities, warehousing/distribution, and associated office, light industrial, manufacturing, and assembly uses. Structures and uses not accessory to the forgoing facilities and allowed uses are prohibited in an Inland Logistics Center. Transportation modes to and from the center may include roads, rail and air.

D. Map Series, Service Areas, Map LU 2.1, Okeelanta Inland Logistics Center

REVISIONS: To depict the Okeelanta Inland Logistics Center shown in Exhibit 1 as a Limited Urban Service Area.

STATE OF FLORIDA, COUNTY OF PALM BEACH
I, SHARON R. BOCK, Clerk and County Controller
certify this to be a true and correct copy of the original
filed in my office on AUG 24 5 2009 BEACH
dated at West Palm Beach, FL on 8-18-2009
By Nancy Powell Deputy Clerk
COMMISSIONERS